

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PATSY'S BRAND, INC.,

Plaintiff,

v.

I.O.B. REALTY, INC., PATSY'S INC.,
FRANK BRIJA, JOHN BRECEVICH, and
NICK TSoulos

Defendants.

Civil Action No. 99-cv-10175 (KMW)

**NOTICE OF MOTION
FOR CIVIL AND CRIMINAL
CONTEMPT FOR VIOLATION OF
THE PERMANENT INJUNCTION
AND TO MODIFY THE
PERMANENT INJUNCTION**

PLEASE TAKE NOTICE that plaintiff Patsy's Brand, Inc. ("Patsy's Brand"), by and through its undersigned counsel, hereby moves before the Honorable Kimba M. Wood, U.S.D.J. at the U.S. Courthouse for the Southern District of New York, 500 Pearl Street, Courtroom 26A, New York, New York, pursuant to Local Rule 83.6 and the Court's inherent power to enforce its orders, for entry of an Order holding defendants Isa Brijja a/k/a Frank Brijja, I.O.B. Realty, Inc., Nexhmije Nezaj, Muharrem Memishaj, and Brian Roffe, Esq., in civil contempt for violating the Permanent Injunction entered by the Honorable John S. Martin, U.S.D.J. on April 17, 2001 (ECF 82) ("Injunction"), as modified and affirmed by the U.S. Court of Appeals for the Second Circuit at *Patsy's Brand, Inc. v. I.O.B. Realty, Inc.*, 317 F.3d 209 (2d Cir. 2003).

PLEASE TAKE FURTHER NOTICE that Patsy's Brand additionally moves the Court to institute criminal contempt proceedings against Brijja, Nezaj, and Memishaj, pursuant to the Court's inherent authority and 18 U.S.C. § 401(3) and in compliance with Fed. R. Crim. P. 42.

PLEASE TAKE FURTHER NOTICE that Patsy's Brand additionally moves the Court to modify the Permanent Injunction to add additional permanent injunctive decrees enjoining Contemnors from certain additional conduct set forth in the accompanying Memorandum of Law.

PLEASE TAKE FURTHER NOTICE that Patsy's Brand shall rely upon the accompanying Memorandum of Law, Declaration of Joel G. MacMull with Exhibits, Declaration of Robert Goldkind with Exhibit, and the Proposed Order.

MANDELBAUM BARRETT PC

By: /s/ Joel G. MacMull

Joel G. MacMull

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*Attorneys for Plaintiff
Patsy's Brand, Inc.*

Dated: March 8, 2024

CERTIFICATE OF SERVICE

I, Joel G. MacMull, hereby certify that on March 8, 2024, I caused a copy of the foregoing motion to be served upon the counsel of record for I.O.B. Realty, Inc. and/or Isa Brija named below, by CM/ECF and electronic mail:

Boris Kogan, Esq.
Boris Kogan & Associates, P.C.
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Brian Roffe, Esq.
20 Adele Boulevard
Spring Valley, NY 10977
patentattorney@comcast.net

I, Joel G. MacMull, hereby further certify that on Tuesday, March 8, 2024, pursuant to Local Rule 83.6, I sent a copy of the foregoing motion together with a copy of Local Rule 83.6 to a process server to personally serve the persons named below at the addresses identified below:

Nexhmije Nezaj
211 North End Avenue, Apt. 8F
New York, NY 10282

Muharrem Memishaj
88 East Sanford Street
Yonkers, NY 10704

Brian Roffe, Esq.
20 Adele Boulevard
Spring Valley, NY 10977
patentattorney@comcast.net

Dated: March 8, 2024

/s/ Joel G. MacMull
Joel G. MacMull